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Date : December 30, 2004

Pages (including cover) : 11

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**To :**

Name/ Company	Fax	Phone
United States Patent and Trademark Office	(703) 872-9310	

If you experience problems receiving this fax, please call Michelle P. Chicos at 617.517.5551.

**Message :**

Enclosed please find a Reply to Notice of Non-Compliant Amendment in connection with U.S. Serial No. 09/750,402.

Please do not hesitate to contact me if you have any questions, or if I can be of any further assistance at this time.

Best Regards,

John B. Alexander, Ph.D.

JBA:mpc

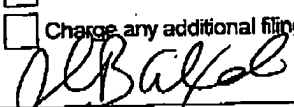

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PAGE 1/11 \* RCVD AT 12/30/2004 10:59:00 AM [Eastern Standard Time] \* SVR:USPTO-EFAX-1/3 \* DNIS:8729310 \* CSID:617 439 4170 \* DURATION (mm:ss):03:34

<b>AMENDMENT TRANSMITTAL LETTER</b>				Docket No. 47756-CIP1-DIV (70184)	
Application No. 09/750,402	Filing Date December 28, 2000	Examiner R. Alejandro	Art Unit 1745		
Applicant(s): R. Formato et al.					
Invention: COMPOSITE SOLID POLYMER ELECTROLYTE MEMBRANES					
<b>TO THE COMMISSIONER FOR PATENTS</b>					
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.					
<b>CLAIMS AS AMENDED</b>					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
<b>Total Claims</b>	-	20 =		x	
<b>Independent Claims</b>		- 3 =		x	
<b>Multiple Dependent Claims (check if applicable)</b> <input type="checkbox"/>					
<b>Other fee (please specify):</b>					
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:</b>					
<input checked="" type="checkbox"/> Large Entity <span style="margin-left: 200px;"><input type="checkbox"/> Small Entity</span>					
<input checked="" type="checkbox"/> No additional fee is required for this amendment.					
<input type="checkbox"/> Please charge Deposit Account No. <u>04-1105</u> in the amount of \$ _____ A duplicate copy of this sheet is enclosed.					
<input type="checkbox"/> A check in the amount of \$ _____ to cover the filing fee is enclosed.					
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.					
<input type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. <u>04-1105</u> as described below. A duplicate copy of this sheet is enclosed.					
<input checked="" type="checkbox"/> Credit any overpayment.					
<input type="checkbox"/> Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.					
 John B. Alexander, Ph.D. Attorney Reg. No.: 48,399  EDWARDS & ANGELL, LLP P.O. Box 55874 Boston, Massachusetts 02205 (617) 439-4444				Dated: <u>December 30, 2004</u>	
I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9310, on the date shown below. Dated: December 30, 2004 <span style="float: right; margin-right: 50px;">             Signature:  (Michelle Chiccos)           </span>					

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Docket No. 47756-CIP1-DIV (70184)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RECEIVED  
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APPLICANT: R. Formato, et al.  
SERIAL NO. 09/750,402 EXAMINER: R. Alejandro  
FILED: December 28, 2000 GROUP: 1745  
FOR: COMPOSITE SOLID POLYMER ELECTROLYTE MEMBRANES

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to Group 1700 of the U.S. Patent & Trademark Office by facsimile number 703-872-9310 on December 30, 2004.

By: Michelle Chicos

Michelle P. Chicos

**REPLY TO NOTICE OF NON-COMPLIANT AMENDMENT**

Sir:

Applicants are in receipt of the Notice of Non-Compliant Amendment dated December 23, 2004. Enclosed is a corrected listing of the claims, which properly indicates the status of each of the claims.

Although it is not believed that any additional fees are needed to consider this submission, the Examiner is hereby authorized to charge our deposit account no. 04-1105 should any fee be deemed necessary.

Respectfully submitted,

Date: December 30, 2004

John B. Alexander  
John B. Alexander (Reg. No. 48,399)  
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Boston, MA 02205  
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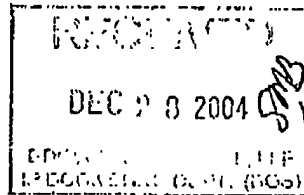


DGC / WMB / SBA 47756 DIV (70184)  
 UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,402	12/28/2000	Richard M. Formato	47756-CIP1- DIV (70184)	7849

21874 7590 12/23/2004  
 EDWARDS & ANGELL, LLP  
 P.O. BOX 55874  
 BOSTON, MA 02205



EXAMINER	
ALEJANDRO, RAYMOND	
ART UNIT	PAPER NUMBER
1745	

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

*Response Due*  
 Edwards & Angell LLP  
 101 Federal St. Boston, MA 02110

Docketed For 1/23/05 - 5/23/05  
 By SBA  
 Approved \_\_\_\_\_

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## UNITED STATES PATENT AND TRADEMARK OFFICE

09/750402

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Paper No.

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 11/24/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

## THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_

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- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_

DEC 30 2004

- ☐ 3. Amendments to the drawings: \_\_\_\_\_

- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: claim 53 is improper

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/propnotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

James Sunstall  
Legal Instruments Examiner (LIE)

(571) 272-1056  
Telephone No.

Rev. 10/03